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Report of the Working Group on the Universal Periodic Review*

Maldives

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

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The Maldives is committed to the Universal Periodic Review process and welcomes the recommendations from countries during Maldives review held in Geneva on 6 May 2015. The Government of Maldives, after careful consideration, is pleased to provide the following responses to the pending recommendation to be included in the outcome report.

143.1. Maldives **accepts** the recommendation.

The Maldives has taken important policy initiatives to strengthen labour management and to protect labour rights including the ratification of eight ILO conventions in 2013. The Government is committed to end the exploitation of workers in the Maldives. This commitment was further demonstrated by the ratification of the Anti-Human Trafficking Act in 2013.

143.2. Maldives **accepts** the recommendation (see 143.1).

143.3. Maldives **accepts** the recommendation (see 143.1).

143.4. Maldives **accepts** the recommendation (see 143.1).

143.5. Maldives **accepts** the recommendation (see 143.1).

143.6. Maldives **accepts** the recommendation (see 143.1).

143.7. Maldives **accepts** the recommendation (see 143.1).

143.8. Maldives **accepts** the recommendation (see 143.1).

143.9. Maldives **accepts** the recommendation (see 143.1).

143.10. Maldives **accepts** the recommendation.

The Maldives signed the International Convention for the Protection of All Persons from Enforced Disappearance in 2007, and is committed to bring the domestic legislations in line with the conventions before finalizing the ratification process of CPPED.

143.11. Maldives **accepts** the recommendation (See 143.10).

143.12. Maldives **does not accept** the recommendation.

The Constitution guarantees economic, cultural, and political rights to every citizen. The Maldives has enacted relevant laws in further guaranteeing those rights.

143.13. Maldives **does not accept** the recommendation.

The Government of Maldives is committed to improving the domestic legislative framework to safeguard the rights of vulnerable groups in the society. Ensuring the protection of the rights of the children is a key priority of the Maldives, and the new Child Rights Bill in the legislative agenda of the Government, would comply with the Maldives international obligations under CRC. However, ratification of the additional protocols burdens the work of the State. The Government however, reiterates its commitment to promoting the rights of children, and would focus on establishing such procedures.

143.14. Maldives **accepts** the recommendation.

143.15. Maldives **accepts** the recommendation.

143.16. Maldives **does not accept** the recommendation.

The Maldives lacks the necessary structures, procedures, and mechanisms to deal with people claiming refugee status in the Maldives, hence the Government cannot accept this recommendation.

143.17. Maldives **does not accept** the recommendation (See 143.16).

143.18. Maldives **accepts** the recommendation.

As per the Constitution of the Maldives, everyone has the right to education without discrimination of any kind. The Maldives offers free education up to higher secondary level, and free local and international exams to all children, adopting a policy of "No Child Left Behind". This policy includes catering for children with special education needs, and teaching civic education, life skills and human rights, with a view to building a productive, respectful, and responsible future generation. The Government is committed to accelerate the ratification process of UNESCO convention against discrimination in Education. As the Constitution and regulations stand, no discrimination exists. Government is taking efforts to make education more accessible to vulnerable groups in society, like persons with disabilities, children of poor families.

143.19. Maldives **accepts** the recommendation.

The Maldives is committed to eliminate the menace of human trafficking in the Maldives. The Maldives ratified its first legislations criminalizing trafficking in persons in 2013. The Government is working closely with international partners such as the International Organisation for Migration to implement policies and measures as well as in providing adequate trainings and awareness campaigns on the issue of trafficking. It is with this commitment that the Parliament accelerated in passing the Protocol to prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children from Parliament in April this year. The Government is hopeful to complete the process of acceding to the Protocol in due course.

143.20. Maldives **accepts** the recommendation.

143.21. Maldives **accepts** the recommendation.

143.22. Maldives **accepts** the recommendation.

143.23. Maldives **accepts** the recommendation.

143.24. Maldives **accepts** the recommendation.

The Government has already begun wider consultation with civil society and other stakeholders in removing reservations to Article 16 (1) a, b, c, g and h and also to 16 (2) of the Convention.

143.25. Maldives **does not accept** the recommendation.

The Maldives does not accept to withdraw reservations to ICCPR article 18 on religious freedom therefore rejects the recommendation as a whole.

143.26. Maldives **accepts** the recommendation.

Since its first cycle the Maldives has adopted several key legislations related to protecting and promoting human rights in the Maldives. The current Government after assuming to office has enacted 18 legislations directly related to human rights.

143.27. Maldives **does not accept** the recommendation.

The independence of statutory bodies such as the Human Rights Commission of the Maldives is not only guaranteed under its respective legislation, but under the Constitution of Maldives. The Human Rights Commission of Maldives established under the Constitution, and is almost fully in line with the Paris Principles. The Constitution of Maldives is based on Islamic Shariah and therefore, non-Muslim cannot become member of the Human Rights Commission as this contradicts the Constitution.

143.28. Maldives **does not accept** the recommendation (See 143.27).

143.29. Maldives **accepts** the recommendation.

The independence of the Human Rights Commission of the Maldives (HRCM) is guaranteed under the Constitution of the Maldives and the Human Rights Commission Act (6/2006). Both the Constitution and the Act provides for independence of the Commission with powers to identify and investigate violations of human rights in laws, regulations, and administrative codes in the Maldives.

The Government also reiterates its unwavering commitment to provide the necessary space and freedom for the independent institutions in the Maldives to function freely and responsibly.

143.30. Maldives **accepts** the recommendation.

The Maldives notes the challenges and limitations faced, as a small island developing state and in fulfilling its reporting obligations under international conventions, due to lack of expertise, human resources, among other issues. However, with the limited human resources the Maldives is committed in submitting its initial report under the CAT.

143.31. Maldives **accepts** the recommendation.

In 2013, the Maldives already welcomed a follow-up visit by the Special Rapporteur on the Independence of Judges and Lawyers to the Maldives. In 2005, the Maldives issued a standing invitation to all Special Procedure Mechanisms.

143.32. Maldives **accepts** the recommendation.

143.33. Maldives **does not accept** the recommendation.

Children born out of wedlock are not discriminated in the Maldives. The inheritance law in the Maldives is based on Sharia. Moreover, it is ensured that no social stigmatisation is associated with children born out of wedlock.

143.34. Maldives **does not accept** the recommendation (See 143.33).

143.35. Maldives **accepts** the recommendation.

143.36. Maldives **does not accept** the recommendation.

The Government is working with all stakeholders to ensure that discrimination against women is eliminated, but will be in line with Islamic shariah, which promotes equal status of men and women.

143.37. Maldives **accepts** the recommendation.

The Government has made key policy and legislative reform in the domestic framework which facilitates equal rights for women. The new constitution that came into force in 2008 guarantees everyone the same rights and freedoms and upholds the principles of equality and non-discrimination. Legislations, such as the Employment Act and the Civil Service Act have subsequently been made compatible with the constitution, thereby providing equal socio-economic services and benefits, as well as equal access to economic and political participation. In addition to the new penal code which comprehensively defines all crimes including rape, specific legislation for the protection of women has also been formulated and ratified which include the Domestic Violence Act in 2012, Sexual abuse and harassment Prevention Act and the Sexual Offences Act in 2014.

143.38. Maldives **accepts** the recommendation (See 143.37).

143.39. Maldives **accepts** the recommendation.

143.40. Maldives **accepts** the recommendation.

143.41. Maldives **accepts** the recommendation.

143.42. Maldives **accepts** the recommendation.

143.43. Maldives **accepts** the recommendation.

143.44. Maldives **accepts** the recommendation.

143.45. Maldives **accepts** the recommendation.

143.46. Maldives **accepts** the recommendation.

Independence of the judiciary is guaranteed under the Constitution of the Maldives. The Maldives is continuously working with international human rights mechanisms aimed at strengthening the judiciary, and in training and building the capacity of judges so that the judiciary will transform into a strong and robust arm of the State. A Legal Profession Bill, to implement the United Nations Basic Principles on the Role of Lawyers, is being drafted.

Several key pieces of legislations, such as the Anti-Torture Act, the Prison and Parole Act, the Anti-Money Laundering and Terrorism Financing Act, Extradition, Mutual Legal Assistance on Criminal Matters and Transfer of Prisoners, have also been passed, that will enhance the effectiveness in the delivery of services in the justice sector.

The Government has also published its 5 year legislative agenda supported by UNDP which would be the basis for broader legal reform agenda of the Government.

The Supreme Court of Maldives endorsed a continuous Education Curriculum for the Judiciary on 19 August 2015. The curriculum was developed with technical support from UNDP to the long term capacity building initiatives for the judiciary led by the Supreme Court.

143.47. Maldives **accepts** the recommendation.

143.48. Maldives **accepts** the recommendation.

143.49. Maldives **accepts** the recommendation.

143.50. Maldives **accepts** the recommendation.

143.51. Maldives **accepts** the recommendation.

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143.56. Maldives **accepts** the recommendation.

143.57. Maldives **accepts** the recommendation.

143.58. Maldives **accepts** the recommendation.

143.59. Maldives **does not accept** the recommendation.

The Maldives has been a Muslim country for the last 800 years. The social framework and historic and traditional values have evolved over the decades, to be intimately linked to Islamic practices. Islamic values are part of the national identity and heritage, and form the basis of the Constitution, and all our laws.

143.60. Maldives **accepts** the recommendation.

Freedom of expression and the media is guaranteed in the Constitution, which includes the rights to espouse, disseminate, and publish news, information, views and ideas. It also protects the information source and explicitly prohibits compulsion to disclose the details of the person. These rights are further enhanced through the recently established information Act. The Government takes seriously threats and any form of reprisals against

journalists in relation to their work, and will take all necessary measures to stop such activities and ensure the safety of journalists.

143.61. Maldives **accepts** the recommendation (See 143.60).

143.62. Maldives **accepts** the recommendation (See 143.60).

143.63. Maldives **accepts** the recommendation.

The Government has always been supportive of the civil society and engages constructively with them on a number of issues. It is with this view that the Government reconstituted the UPR National Standing Committee with wider civil society participation.

143.64. Maldives **accepts** the recommendation.

143.65. Maldives **accepts** the recommendation (See 143.60).

143.66. Maldives **accepts** the recommendation (See 143.60).

143.67. Maldives **accepts** the recommendation.

The Government has been a strong vocal in promoting active participation of women in public offices. In this regard, a policy is in place since 2014 to allocate 30% of women on the governing boards of listed companies by 2016. Additionally, the 2007 Civil Service Act, the 2008 Employment Act, the 2009 Pensions Act, and Special Measures for Perpetrators of Child Sexual Abuse act 2009, the 2010 Disability Act, the 2010 Decentralization Act and the Domestic Violence Law provide equal access to economic and political participation and socio-economic services and benefits to men and women.

143.68. Maldives **accepts** the recommendation.

The Maldives has made great progress in providing the highest attainable standard of health care. The Health Services Act, ratified on 7 September 2015 is designed to institute a national mechanism for health services provided in the Maldives and to contribute to the advancement of health services in the Maldives. It establishes the rules and regulations to enhance the quality of health care services by setting out the rules and guidelines for the health service centers, specifies code of conduct for the personnel working in the health sector and the rights and responsibilities of health service providers and its recipients. This would enable to standardize health services by providing a consistent, safe and an accessible service for people of all socio- economic background.

The new Reproductive Health Strategy formulated for the period 2014 to 2018 aims to reduce exclusions and social disparities in health. It also embraces a primary health care approach, which outlines strategic interventions for promoting family planning, maternal and new born health care, preventing unsafe abortion, prevention and management of sexually transmitted diseases and health sector response to gender based violence.

143.69. Maldives **accepts** the recommendation.

143.70. Maldives **accepts** the recommendation.

143.71. Maldives **accepts** the recommendation.

The Government of Maldives accords a high priority to the protection and conservation of its environment and has in place the necessary laws and regulations for effectively managing environmental impacts while ensuring sustainability. The Environment Protection Act of 1993 mandates parties to conduct an impact assessment in social and developmental projects, to ensure minimal impact on the natural environment and its habitats.

143.72. Maldives **accepts** the recommendation.

143.73. Maldives **accepts** the recommendation.

143.74. Maldives **accepts** the recommendation.

143.75. Maldives **accepts** the recommendation.

143.76. Maldives **accepts** the recommendation.

143.77. Maldives **accepts** the recommendation.

Article 56 of the Maldives Constitution ensures that anyone convicted under the Maldivian Law, including foreigners, has the right to appeal a conviction and sentence, or judgement or order in a criminal or civil matter.

143.78. Maldives **accepts** the recommendation.